

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEPHEN GANNON, :
Plaintiff, :
: 22 Civ. 361 (LGS)
-against- :
: ORDER
124 EAST 40TH STREET LLC, et al., :
Defendants. :
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, the initial pretrial conference in this matter is scheduled for May 25, 2022;

WHEREAS, the parties failed to file timely a joint letter as directed by the Orders at Dkt. Nos. 6, 26, 35, 39, and 43;

WHEREAS, the parties have filed numerous unilateral letters regarding each other's failure to cooperate in the filing of the required materials;

WHEREAS, no significant issues were raised in the parties' letters or proposed case management plan. It is hereby

ORDERED that the May 25, 2022, initial pretrial conference is **cancelled**. If the parties believe that a conference would nevertheless be useful, they should inform the court immediately so the conference can be reinstated. The case management plan and scheduling order will issue in a separate order. The parties' attention is particularly directed to the provisions for periodic status letters, and the need for a pre-motion letter to avoid cancellation of the final conference and setting of a trial date. The parties are advised that continued failure to comply with the Court's Orders, including Orders concerning required joint submissions, may result in sanctions. It is further

ORDERED that if Defendant(s) seek to file a motion to dismiss, they shall file a pre-

motion letter pursuant to Individual Rules III.A.1 and III.C.2. It is further
ORDERED, regarding settlement discussions, Defendants' unilateral request for a referral for a settlement conference is DENIED without prejudice to renewal. If and when the parties are ready to proceed with a settlement conference with the assigned Magistrate Judge or mediation in the Court's mediation program, they shall file a joint letter on ECF requesting a referral.

The parties should be aware that the Court does not extend the deadlines for fact and expert discovery absent compelling circumstances.

Dated: May 24, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE